

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ASHENAFI G. ABERHA,

Case No. 3:19-cv-00606-MMD-WGC

Plaintiff

ORDER

V.

DIRECTOR OF NEVADA DEPT.
OF CORRECTIONS, *et al.*,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has filed a document titled “Notice of Intent 42 U.S.C. § 1983 Civil Rights Complaint.” (ECF No. 1-1). Plaintiff has not filed a complaint or an application to proceed in forma pauperis in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis*

1 application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
3 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
4 the correct form with complete financial attachments of an inmate account statement for
5 the past six months and a properly executed financial certificate in compliance with 28
6 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the
7 \$350 filing fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
9 **thirty (30) days** from the date of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
11 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
12 Clerk of the Court will also send Plaintiff a copy of his document titled Notice of Intent 42
13 U.S.C. § 1983 Civil Rights Complaint. (ECF No. 1-1).

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
15 dismissal of this action may result.

16 DATED this 4th day of October, 2019.

17 *Walter G. Cobb*

18 UNITED STATES MAGISTRATE JUDGE